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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

I.

INTRODUCTION

On February 18, 2015, petitioner Kevin D. Bell (“Petitioner”), a California prisoner proceeding *pro se*, filed a Petition for Writ of Habeas Corpus (“Petition”) in the United States District Court for the Northern District of California (“Northern District”), challenging the non-restoration of good-time credits that were forfeited after a prison disciplinary hearing. (Pet. at 4-7, 10.) On March 25, 2015, the Northern District transferred the action to this Court. (Dkt. No. 7.) However, because the Petition is moot, the action must be dismissed without prejudice.

II.

BACKGROUND

On December 5, 2014, Petitioner was serving a sentence on a burglary

1 conviction at North Kern State Prison. (Pet. at 1-2.) That day, Petitioner was
 2 involved in an altercation, for which he underwent a disciplinary hearing and lost
 3 certain good-time credits. (*Id.* at 5, 10.) Thereafter, Petitioner requested the
 4 restoration of his credits, but was apparently ignored. (*Id.* at 4-7, 10.) On or about
 5 February 22, 2015, Petitioner was released from custody. (*Id.* at 10); *see also*
 6 <http://inmatelocator.cdcr.ca.gov/>; *United States v. Basher*, 629 F.3d 1161, 1164 n.2
 7 (9th Cir. 2011) (federal courts may take judicial notice of public information on prison
 8 inmate locator services).

9 **III.**

10 **DISCUSSION**

11 As a rule, a case becomes moot when “it no longer present[s] a case or
 12 controversy under Article III, § 2, of the Constitution.” *Spencer v. Kemna*, 523 U.S. 1,
 13 7 (1998). To meet Article III’s “case or controversy” requirement, the parties must
 14 continue to have a personal stake in the outcome of the lawsuit throughout the
 15 proceedings. *Wilson v. Terhune*, 319 F.3d 477, 479 (9th Cir. 2003). Thus, “if an event
 16 occurs . . . that makes it impossible for the court to grant any effectual relief whatever
 17 to a prevailing party,” the claim is moot. *Church of Scientology of Cal. v. United*
 18 *States*, 506 U.S. 9, 12 (1992) (citation omitted).

19 Here, Petitioner is no longer incarcerated. (Pet. at 10); <http://inmatelocator.cdcr.ca.gov/>. Because he has been released from prison, the remedy he seeks – namely,
 20 restoration of forfeited good-time credits – would serve no purpose.

22 Moreover, while a habeas petition challenging an underlying conviction is not
 23 rendered moot by the petitioner’s release so long as collateral consequences flow from
 24 that conviction, “the presumption of collateral consequences does not apply to prison
 25 disciplinary proceedings.” *Wilson*, 319 F.3d at 479.

26 Significantly, Petitioner alleges no continuing collateral consequences attached
 27 to his forfeited good-time credits, and the record reveals none. *See id.* at 483 (petition
 28 moot where petitioner failed to allege any collateral consequences of prison discipline

1 that met the case or controversy requirement); *Nonnette v. Small*, 316 F.3d 872, 875-
2 76 (9th Cir. 2002) (*per curiam*) (petition attacking the revocation of good-time credits
3 would be rendered moot by release from prison where discipline had no post-release
4 collateral consequences).

5 Thus, this Court can no longer grant Petitioner any meaningful relief, and the
6 Petition is moot. *See McDaniel v. Clay*, 2011 WL 2554191, at *2-3 (E.D. Cal. June
7 24, 2011) (petition seeking expungement of disciplinary conviction and reinstatement
8 of 150 days good-conduct time was mooted by petitioner's release on parole). As a
9 result, the Court has no jurisdiction over the Petition and the action must be dismissed.

10 **IV.**

11 **CERTIFICATE OF APPEALABILITY**

12 Additionally, for the reasons stated above, the Court finds that Petitioner has not
13 shown that "jurists of reason would find it debatable whether": (1) "the petition states
14 a valid claim of the denial of a constitutional right"; and (2) "the district court was
15 correct in its procedural ruling." *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).
16 Thus, the Court declines to issue a certificate of appealability.

17 **V.**

18 **ORDER**

19 For the foregoing reasons, **IT IS ORDERED THAT** this action be
20 **SUMMARILY DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4 of the
21 Rules Governing Section 2254 Cases in the United States District Courts.

22 **LET JUDGMENT BE ENTERED ACCORDINGLY.**

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24 DATED: April 6, 2015



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26 HON. OTIS D. WRIGHT II
27 UNITED STATES DISTRICT JUDGE
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